



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

58 Cal. 400. While this assumption is supported by *Bond v. Worley*, 26 Mo. 254; *Ex parte Boyd*, 105 U. S. 657; and *Rindskopf v. Platto* (C. C.) 29 Fed. 312, the great weight of authority is to the contrary, *Wood v. Hudson*, 96 Ala. 469; *Grimes v. Hilliary*, 38 Ill. App. 246; *Union Passenger R. R. Co. v. Mayor*, 71 Md. 238; *Elliston v. Hughes*, 1 Head. (Tenn.) 227.

EVIDENCE—EXPERT TESTIMONY—REMAINDERS.—RICARDS v. SAFE DEPOSIT AND TRUST CO., 55 ATL. 384 (MD.).—*Held*, incompetent to prove by medical testimony that a married woman 53 years of age was incapable of child-bearing for the purpose of defeating an estate in remainder.

There are some early English cases which upheld a presumption that a woman of advanced age was incapable of bearing a child. The more modern English cases have not adopted this presumption. *In re Dawson*, L. R. 39 Ch. Div. 155; *In re Sayers Trusts.*, L. R. Exch. 319. No case can be found in the American courts in which such a presumption has been given effect. *Lawson on Presumptive Evidence*, p. 302. If a physician may testify that because of a physical degeneracy a woman is incapable of bearing children so that a trust created for her benefit, during her life only, may be brought to an end and the vesting of a remainder may be defeated, no one can foretell to what lengths such a precedent would lead. The court holding this to be a case of first impression acted cautiously and with due consideration of the demoralizing consequences that might follow its decision.

INHERITANCE TAX—VALIDITY—CONSTITUTIONAL LAW—PRIVILEGES AND IMMUNITIES—UNCONSTITUTIONALITY OF STATUTE.—IN RE JOHNSON'S ESTATE, 139 CAL. 532.—A statute imposing a tax on property passing by will "other than to the use of father, mother, husband, wife, lawful issue, brother or sister," was amended to include "nieces and nephews, when a resident of this State." *Held*, not void as in conflict with the constitutional provision declaring that citizens of each State shall be entitled to privileges and immunities of the several States. Beatty, C.J., *dissenting*.

Overruling *Estate of Mahoney*, 133 Cal. 180, which finds authority in *Sprague v. Thompson*, 118 U. S. 90, and which strikes out the amending clause as unconstitutional. Although the unconstitutionality of laws imposing a special tax discriminating against non-residents is clear; *Cullman v. Arndt*, 125 Ala. 581; and a court, if possible, construes, where an exemption is claimed, in favor of the tax and against the exemption; *R. R. Co. v. Grand Rapids*, 102 Mich. 374; nevertheless, by the great weight of authority, beginning with *Campbell v. Morris*, 3 Har. & M. (Md.) 554, the courts have held privileges granted by a State to its citizens to be extended to citizens of the several States. *Sprague v. Fletcher*, 64 Vt. 69; *The Slaughter House Case*, 16 Wall. 36.

INFANCY—WAGES OF SON—RIGHTS OF CREDITORS OF FATHER.—WISNER v. OSBORN, 55 ATL. 51 (N. J.).—*Held*, that the wages earned by an infant emancipated by his father, though living at home, are not subject to the claims of the father's creditors.

Absence of fraud must be shown. *Elfelt v. Hinch*, 5 Ore. 255. Living at home does not affect the infant's emancipation. *Wilson v. McMillan*, 62 Ga. 161; *Wood on Master and Servant*, p. 30. The authorities show much diversity of opinion on this point. Some courts hold that the wages may be